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DOJ FOR CARL ALEXANDRE

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SUBJECT: Verdict in the Djindjic Case

11. (SBU) Summary: The Special Court in Belgrade rendered its verdict in the case of the March 12, 2003 assassination of former Prime Minister Zoran Djindjic, convicting all twelve defendants and sentencing them to harsh penalties by Serbian standards. Even though the verdict is subject to appeal (by both the defense and the prosecution), the successful adjudication of the most important organized crime case in Serbia is a positive harbinger of Serbia's capacity to successfully handle high profile cases. End Summary.

12. (SBU) The Organized Crime Department of the Belgrade District Court, the so-called Special Court, convicted all defendants on several counts: conspiracy against the constitutional order and security of the state, the assassination of a high state official, and attempted murder (in an earlier unsuccessful assassination attempt against Djindjic). The defendants received stiff sentences for Serbia, ranging from 30-40 years of imprisonment, including the maximum 40 years sentence for organizer Milorad Ulemek, aka "Legija", and shooter Zvezdan Jovanovic. Four sentences of 35 years were also handed down to accomplices Aleksandar Simovic, Ninoslav Konstantinovic (in absentia as he is at large), Vladimir Milisavljevic (at large), and Sretko Kalinic (at large). Five sentences of 30 years were handed down to Milos Simovic (at large), Milan Jurisic (at large), Dusan Krsmanovic, Branislav Bezarevic, and Zeljko Tojaga. Accomplice Sasa Pejakovic received the lightest sentence at 8 years. All defendants were sentenced for the most serious of the three charges against them as Serbia does not allow for consecutive sentencing.

13. (SBU) Presiding Judge Nata Mesarovic, in her three-hour explanation of the verdict, stated on behalf of the three judge trial panel that this was a political assassination and a crime against the state, as the conspiracy was undertaken with the intent to endanger the constitutional order and security by committing crimes in order to gain influence over the highest state institutions. The verdict established that the joint criminal enterprise that planned and executed the murder of the Prime Minister, was composed of members of the Ministry of Interior's Unit for Special Operations (JSO or Red Berets) and the Zemun criminal gang.

14. (SBU) The verdict established that the motivation of the shooter was the fear that JSO members would be extradited to the International Criminal Tribunal in The Hague and the unit would be disbanded, while the motivation of Legija and others was the fear that the

state would crack down on organized crime, as it had started seriously investigating political murders ordered by the Slobodan Milosevic regime, as well as kidnapping and other crimes in which they were involved.

¶5. (SBU) The legal explanation stated that the verdict is based on corroborating evidence, including: the confession of the shooter, Zvezdan Jovanovic; the confession of group member Dusko Krsmanovic (made both to police and during the court investigation, as well as in the closing argument); the testimonies of the four witness-collaborators, witnesses; and medical and ballistic forensic evidence. The Court found that there were only two shots, and not three, as some parties in the case claimed. The Court also provided a detailed explanation as to why it did not find the defendants' defense credible.

¶6. (SBU) The Court refrained from addressing the broader political context of the murder - whether or not the group had support for the assassination of the Prime Minister from some political forces in the country (as has been alleged by Djindjic supporters and, more notably, by high profile and very reputable lawyers for the damaged side). In particular, the Court did not address the issue of a meeting between Head of State Security Rade Bulatovic, then-Minister of Justice Zoran Stojkovic, Minister of Interior Dragan Jovic, and Legija immediately after the latter surrendered to the authorities - a violation of criminal law and procedure - despite criticism from former Djindjic administration officials that the meeting was illegal and pointed to involvement by these officials in the assassination conspiracy.

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¶7. (SBU) Comment: The rendering of the first instance judgment in this most important organized crime case is a big step for Serbia and restores some trust in its justice institutions and the Rule of Law. Conviction and severe penalties show that Serbian judiciary is capable and willing to combat organized crime, at least in the highest profile cases. Legija has already been convicted in the murder of former Serbian President Ivan Stambolic, for which he was also sentenced to 40 years. The Stambolic verdict is on its third and last appeal. We expect the defense to appeal the Djindjic conviction as well, meaning it will be some time before Legija has any convictions in full legal effect against him. Meanwhile, he remains in custody. Prosecutors, for their part, have also vowed to appeal the verdicts in the hopes of winning even harsher sentences for the remaining gang members. End Comment.

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